

UNITED STATES DISTRICT COURT  
FOR THE  
Middle DISTRICT OF PENNSYLVANIA

HASON RINK

Plaintiff,

v.

UNITED STATES OF AMERICA

Defendant.

3:18cv337

FILED  
SCRANTON

FEB 09 2018

PER AMP  
DEPUTY CLERK

Case No. 17-5328

FILED  
SCRANTON

FEB 09 2018

PER DEPUTY CLERK

COMPLAINT

JURISDICTION

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-80, as hereinafter more fully applies.

2. Jurisdiction is conferred upon this court by 28 U.S.C. § 1346(b).

3. Pursuant to 28 U.S.C. § 2675(a) the claim set forth herein was presented to  
Federal Tort claim  
on Dec 21, 2016.

4. My Tort claim (# TRT-NCR-297-01445) after was refused when  
they offered \$100.00

## VENUE

5. Venue is proper in the Middle District of Pennsylvania pursuant to 28 U.S.C. § 1402(b).

## PARTIES

6. Plaintiff HASON RINK is a citizen of United States of America. Plaintiff resides at ~~200~~ ~~2000~~ USP MCCREARY, within the jurisdiction of this court. The alleged act or omission at issue occurred in the Middle District of Pennsylvania.

## FACTS

7. On November 26, 2016, plaintiff HASON RINK was at Lewisburg (smu) and was served either lunch or dinner that was tainted with salmonella. As a result I used the bathroom 9 or 10 times that day, I told medical about the issue and was told to drink water and lay down. On the 27<sup>th</sup> they stopped all movement no hair cut, law library, no phone use. Then a memo was put out after dinner saying it was no inmate movement because of inmates complaining of a stomach virus. In all the blocks yet Monday morning they served us trays again. I told the nurse on the 28<sup>th</sup> which was a Monday that I've been using the toilet all day at which time I was taken to medical and was told I have a high fever and was placed on X-Block, the following day which was the 29<sup>th</sup> medical took a stool sample which came back positive for salmonella infection. I was given medicine for my pain and once I felt better I was sent back to D-Block where I got sick at on November 26, 2016.

8. At such time and place C/O Homer was/were an employee of the VSP Lewisburg (SMU) D-Block, an agency of the United States of America, and acted within the scope of government employment.

9. As a result, plaintiff was placed on medicine from tainted food  
Served at VSP Lewisburg (SMU) containing salmonella and suffered  
illness from November 26, 2016 till December 2, 2016

10. If the defendant were a private person, it would be liable to the plaintiff in accordance with the law of the state of PENNSYLVANIA.

### PRAYER

11. Wherefore plaintiff demands judgment against defendant in the sum of \$5000.00 dollars and costs.

Respectfully submitted,

HASON RINK  
VSP MCCREARY PO BOX 3000 PINE KNOT, KY  
~~42635~~ 42635

**HASON RINK,**  
**Plaintiff,**

**UNITED STATES OF AMERICA,**  
**Defendant.**

**NO. 17-5328**

AND NOW, this <sup>December</sup> 4<sup>th</sup> day of November, 2017, it is ORDERED that:

2. If Mr. Rink is ultimately granted leave to proceed *in forma pauperis*, he will be obligated to pay the \$350.00 filing fee in installments pursuant to 28 U.S.C. § 1915(b), even if his case is dismissed. He will not be entitled to the return of any payments made toward the fee.

<sup>1</sup> Plaintiff has filed this action pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-80, regarding events that occurred while he was incarcerated at USP Lewisburg. Rather than returning to this Court, where venue is improper, plaintiff may refile his Complaint in the Middle District of Pennsylvania, where USP Lewisburg is located. *See* 28 U.S.C. § 1391(b).

4. If Mr. Rink fails to comply with this order his case may be dismissed without prejudice and/or closed without further notice.

**BY THE COURT:**

  
\_\_\_\_\_  
**GERALD A. MCHUGH, J.**

HASON RINK

JAN 31, 2018

# 74521-053

USP MCCREARY

PO BOX 3000

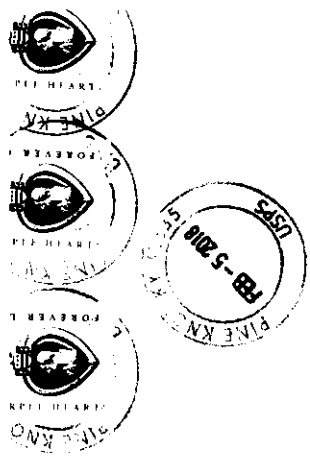
pine knot, Ky 42635

JAN 29 2018

I'm writing again to get more time and not be time barred because I WAS transferred to a new jail and just recieved my personal property so get all my paper's in order because I WAS given a 30 day dead line by the Honorable Gerald A McHugh to have the paper back in but due to the holiday's and my transfer I wasn't able to get anything done then I had to wait for the jail to come off lockdown to get to the trust fund person and get the certified copy of my prisoner account but couldn't get paper's signed, I wrote to the middle district to not get time bar but they said they see nothing Well here's the paper's I recieved from trust funds and the judge

Thank you


CC



UNITED STATES PENITENTIARY  
USP MCCREARY  
PO BOX 3000  
PINE KNOT, KY 42635

RECEIVED  
SCRANTON

FEB 9 2018

PER  DEPUTY CLERK

74521-053  
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235 N Washington AVE  
Scranton, PA 18503  
United States